UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

In the Matter of the Search of:

INFORMATION ASSOCIATED WITH FACEBOOK USER IDENTIFICATION NUMBER 100001580465284 STORED BY PREMISES CONTROLLED BY FACEBOOK OF MENOL PARK, CALIFORNIA

Case No. 17-M-1246

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

See Attachment A

located in the Eastern District of Wisconsin, there is now concealed:

See Attachment B

The basis for the search under Fed. R. Crim P. 41(c) is:

- ■ evidence of a crime;
- ■ contraband, fruits of crime, or other items illegally possessed;
- ■ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: Title 18 United States Code 922(a)(6) and Title 18 United States Code, Section 922(g)

The application is based on these facts: See attached affidavit.

☐ Delayed notice of _______ days (give exact ending date if more than 30 days:_______________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[signature]
Applicant's signature

Special Agent Ryan Arnold, ATF
Printed Name and Title

Sworn to before me and signed in my presence:

Date: 5/4/17

[signature]
Judge's signature

City and State: Milwaukee, Wisconsin

Honorable William E. Duffin, U.S. Magistrate Judge
Printed Name and Title

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

I, Ryan Arnold, being first duly sworn, hereby depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook user ID (100001580465284) that is stored at premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID.

2. It is believed that the information associated with Facebook User ID 100001580465284 may contain evidence of violations of Title 18 United States Code 922(a)(6) (any person in acquisition of any firearm knowingly furnish a false written or oral statement intended to deceive the dealer) and 18 United States Code, Section 922(g) (possession of firearm by a prohibited person, drug user). As a result, a request is submitted for a search warrant to review information associated with the aforementioned Facebook User ID. The information to be searched is described in the following paragraphs and in Attachment A.

3. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been since April 2015. As an ATF Agent, I have participated in numerous investigations regarding the unlawful possession of firearms by convicted felons. I have also conducted investigations related to the unlawful use of firearms, firearms trafficking, drug trafficking, and arson.

4. Prior to my employment with ATF, I was a Special Agent with the United States Secret Service (USSS) for approximately 5 years. My duties included providing and planning dignitary protection, drafting and executing Federal search warrants, investigations of organized crime networks, investigations of threats against USSS protectees, fraud networks, counterfeit currency investigations, and other financial crime investigations.

5. Previous to my tenure with the USSS, I served as a police officer with the Chicago, Illinois, Police Department (CPD). During part of my career as a CPD Officer, I was assigned to the Organized Crime Division-Gang Enforcement Unit. My responsibilities included the investigations of street gangs, narcotics distribution, firearms violations, robbery, home invasions, operating in an undercover capacity, and the authoring and execution of search warrants.

6. During the course of my career, I have had in-service trainings regarding the use of social media in relation to criminal investigations. Specifically, I have received instruction regarding the use of social media sites by criminal elements. Additionally, I have conducted previous criminal investigations in which internet research that I conducted yielded the use of social media by suspects. Specifically, I know from my

training and experience that alleged suspects of criminal activity, who have accounts on social media websites, will often communicate their criminal intentions or past activity via "instant message" or "in-box message" on a given social media website. The "instant message" / "in-box message" is a private communication from one user to another. Furthermore, I know through experience that many social media users often use social media websites as their primary means to communicate with others. Additionally, I know from training and experience that suspects who use social media websites sometimes post photographs of themselves possessing incriminating items, such as narcotics and firearms. Also, suspects in criminal investigations have been known to post statements on social websites referencing their own criminal activity.

7. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that Facebook user ID 100001580465284 has evidence of crimes committed in violations of Title 18, United States Code, 922(a)(6) (any person in acquisition of any firearm knowingly furnish a false written or oral statement intended to deceive the dealer) and Title 18, United States Code, Section 922(g)(3) (possession of firearm by a prohibited person, drug user). There is also probable cause to search the information described in Attachment A for evidence of these crimes, as described in Attachment B.

8. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other investigators and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

II. IDENTIFICATION OF ITEMS TO BE SEARCHED

9. The Facebook pages belonging to Michael Gregory Sherman AKA Mike Sherman, herein described as a personal website that is accessed with a username and password specific only to that page and further described in Attachment A. The following Facebook Page URL, Facebook Usernames, and associated Facebook Identifications Numbers:

10. https://www.facebook.com/mike.sherman.353, Facebook Username: Mike Sherman, Facebook ID: 100001580465284.

11. The applied-for warrant would authorize the search and recovery of evidence particularly described in Attachment B.

III. PROBABLE CAUSE TO SEARCH INFORMATION ASSOCIATED WITH FACEBOOK USER ID: 100001580465284

12. Your Affiant learned of possible violations of Title 18, United States Code, 922(a)(6) (any person in acquisition of any firearm knowingly furnish a false written or oral statement intended to deceive the dealer) and Title 18, United States Code, Section 922(g)(3)(possession of firearm by a prohibited person, drug user) after reviewing numerous police reports, ATF Trace Reports, and other law enforcement sources. These reports have provided documentation of homicide, illegal drug use, illegal drug possession, and illegal firearm possession. These crimes have occurred in the presence of firearms purchased by Michael Sherman or by Michael Sherman himself. Additionally, Sherman has consistently reported firearms stolen. Affiant knows from training and experience that a subject involved in the practice of conducting "straw

purchases" will commonly report firearms stolen to thwart law enforcement investigations.

REVIEW OF FIREARMS PURCHASED BY SHERMAN

13. Your Affiant discovered that SHERMAN was the original purchaser of several firearms that were recovered by law enforcement during criminal incidents. These crimes were connected to illegal drug arrests, possession of firearms by felons, and the possession of a firearm by SHERMAN while he possessed illegal drugs. Furthermore, SHERMAN reported five firearms stolen to law enforcement on three separate occasions.

SMITH & WESSON, 9MM PISTOL DISPLAYING SERIAL NO. HTX0837 REPORTED STOLEN BY SHERMAN

14. On May 25, 2015, Michael SHERMAN reported to the Milwaukee Police Department (MPD) that his Smith & Wesson, 9mm pistol displaying serial no. HTX0837 was stolen from him during an armed robbery. SHERMAN told responding officers that he was at 6798 W. Appleton Avenue, Milwaukee, WI when he met a man who SHERMAN knew as "Money". During this encounter, "Money" asked SHERMAN to see the firearm that SHERMAN was carrying. SHERMAN complied and provided "Money" with his Smith & Wesson pistol. Shortly after, several unknown black males robbed SHERMAN of the Smith & Wesson pistol.

15. SHERMAN told MPD investigators that he had only known "Money" for a few weeks and that he purchased marijuana from "Money" for personal use. SHERMAN further told the police that he believed that "Money" had set up the robbery of his Smith & Wesson firearm. SHERMAN described "Money" as a black male, 25 to 30 years of age,

5-7" to 5-8", medium build, dark complexion with a small tattoo between his eyebrows. SHERMAN believed this tattoo was a cross. Affiant verified that this description of "Money" is similar to the physical description of Darryl V. Jones.

JANUARY 26, 2016 RECOVERY OF SMITH & WESSON, 9MM SEMI-AUTOMATIC PISTOL, DISPLAYING SERIAL NUMBER HTX0837

16. Affiant learned that on January 26, 2016 a fully marked MPD squad car with activated emergency equipment attempted to pull over a 2015 Nissan Altima, displaying Wisconsin Temporary License Plate M8096C. The vehicle matched the description of a vehicle used in a recent robbery. The driver of the vehicle disregarded the police attempt to pull the car over. A pursuit ensued, which resulted in a crash. The driver fled on foot from the police. The driver was a black male who had a physical description consistent with that of Darryl V. Jones. Just outside the driver's side door of the vehicle, MPD recovered a black, Smith and Wesson, 9mm semi-automatic pistol, displaying serial number HTX0837. MPD also recovered from within the vehicle two cellphones, 8.59 grams of heroin (tested positive for opiates), 2.92 grams of crack cocaine (tested positive for cocaine), 1.73 grams of marijuana (tested positive for THC), and identification that belonged to Darryl V. Jones (DOB: 10/25/1991). Jones' physical make-up is similar to the physical description of the person who fled on January 26, 2016.

TWO GERMAN SPORT GUNS (GSG), .22 CALIBER RIFLES REPORTED STOLEN BY SHERMAN

17. On November 17, 2013, Michael SHERMAN reported that his two German Sports Guns (GSG), model 522, displaying serial numbers A525172 and A525773 were stolen from his vehicle during an armed robbery. SHERMAN told MPD that around the

area of 3467 N. 8th Street, Milwaukee, WI, SHERMAN waited in his vehicle at a left turn lane. At this time, several black males robbed him. SHERMAN provided the subjects with $300 cash and opened the trunk of his vehicle where the two GSG 522 rifles were stored. SHERMAN stated that the subjects took his guns and money and fled.

18. SHERMAN told MPD that he purchased both rifles from Dunham's Sports Store. Your Affiant obtained copies of the ATF Form 4473 for these firearms and observed that SHERMAN purchased, from Dunham's Sports, the GSG 522 rifle displaying serial number A525172 on October 9, 2013, and the GSG 522 rifle displaying serial number A525773 on October 21, 2013.

AUGUST 27, 2014 FELONS IN POSSESSION OF SHERMAN'S FIREARMS

19. On August 27, 2014, MPD arrested Jack Murrell (DOB 04/23/1979) and Joey Lamar Smith (DOB 03/12/1977) at 2460 W. Brown Street, Milwaukee, WI, for violations of felons in possession of firearms. Murrell and Smith were each convicted felons. During the arrest, MPD recovered a black Hi Point, model 995 carbine, displaying serial number B84686. A review of ATF Firearms Trace Summary revealed that the black Hi Point, model 995 carbine, displaying serial number B84686 was purchased on February 5, 2006 by Michael SHERMAN from a Federal Firearm Licensee (FFL).

FEBRUARY 14, 2016 SHERMAN'S POSSESSION OF A FIREARM WHILE POSSESSING ILLEGAL DRUGS

20. On February 14, 2016, Michael SHERMAN was pulled over in a car and was arrested by an officer of the Wauwatosa Police Department (WPD). SHERMAN told the officer that he had "weed" in a car, and SHERMAN gave the officer a cigarette pack

containing marijuana and a glass pipe with burn residue. SHERMAN then told the officer that he had a firearm in the car and explained that he did not have a concealed carry permit. WPD recovered from the car a Smith and Wesson, model M&P 9, 9mm pistol, displaying serial number HVM6604.

21. SHERMAN told WPD that he was aware that it was illegal to possess and smoke marijuana while armed. Further, SHERMAN stated that he knew he could not possess a scheduled drug without a prescription. WPD recovered approximately 1.09 grams of suspected marijuana during the arrest. A NARK II Duquenois-Levine Reagent Test was performed on the above substance and tested positive for THC.

22. A review of the ATF Firearms Trace Summary revealed SHERMAN purchased the Smith and Wesson, model M&P 9, 9mm pistol, displaying serial number HVM6604 on June 30, 2015 from an FFL.

JUNE 10, 2016 FELONS IN POSSESSION OF SHERMAN'S FIREARM

23. On June 10, 2016, MPD arrested Javon Robinson and Howard L. Jeffers at 4160 N. 40th Street, Milwaukee, WI, for felons in possession of firearms. During the arrest, MPD recovered a Bryco, .380 caliber handgun with an obliterated serial number and an Armscor of the Philippines, model M1991-A1 FS, .45 caliber pistol, displaying serial number RIA1561806. A review of the ATF Firearms Trace Summary revealed that SHERMAN purchased the Armscor pistol displaying serial number RIA1561806 on December 16, 2015.

24. On August 4, 2016, SHERMAN reported a garage burglary to MPD. SHERMAN told MPD that two firearms were taken during the burglary. SHERMAN

described the firearms as a ARMSCOR, model M1911 A1, .45 caliber pistol displaying serial number RIA1561806 and a Taurus, Model 85 revolver with polymer grip and 2 ½ inch barrel, and unknown serial number. SHERMAN believed that the last time he saw the firearms was on June 4, 2016.

SHERMAN'S POSSESSION OF HEROIN AND SUBOXONE

25. October 27, 2015, the New Berlin Police Department (NBPD) was dispatched to the area of 124th and W. National Avenue, New Berlin, WI, for a fight in progress. Upon arrival, responding officers were met by an off-duty police officer who said that SHERMAN and Joseph Conigliaro were engaged in a physical confrontation. NBPD observed video footage of the altercation between SHERMAN and Conigliaro. The footage showed SHERMAN strike Conigliaro with a black jack weapon. NBPD placed SHERMAN under arrest for battery and carrying a concealed weapon (CCW).

26. From SHERMAN'S pants pocket, NBPD recovered a small bundle of suspected heroin, and from SHERMAN's wallet, NFPD recovered Suboxone sublingual strips. The officer asked SHERMAN if he had a prescription for the Suboxone, and SHERMAN confirmed that he did not. Subsequently, SHERMAN was booked on criminal drug violations.

27. During a custodial interview, SHERMAN denied ownership of the heroin, however, SHERMAN did confirm that he did not have a prescription to Suboxone and used small amounts of the substance to feel better. SHERMAN further explained that he

developed an addiction to Percocet several years ago. SHERMAN also told NBPD that he had a handgun in the trunk of his vehicle.

28. The above information and interviews have led ATF to believe that Michael SHERMAN is a drug user in possession of firearms, that he obtains firearms by lying on ATF Form 4473, and that he assists felons in obtaining firearms.

29. Further, Affiant knows that persons who participate in firearms trafficking schemes as a "straw purchaser" will commonly report firearms stolen after providing them to the secondary party. Additionally, it is also common for "straw purchasers" to report a firearm stolen after they know it was used in a crime. These actions are used to create alibis, thwart law enforcement's investigations, and evade arrest.

30. In addition, Affiant also knows from training and experience that drug users and drug dealers will commonly exchange drugs or money for firearms. These transactions may occur because the end user is prohibited and cannot purchase a firearm legally or to deter future law enforcement investigations. Furthermore, drug users may provide firearms to drug dealers because they can receive a higher volume of illegal drugs for the firearm than they would for money they could receive by traditional means of selling the firearm.

31. These reports and interviews have also led Your Affiant to believe that the subject who fled from police in the above-described January 26, 2016 incident possessed controlled substances, possessed a firearm while participating in illegal drug trafficking, and possessed a stolen firearm. Affiant believes that Darryl V. Jones was the person who

fled from the police on January 26, 2016. Affiant believes that Jones may supply SHERMAN with illegal narcotics and SHERMAN may supply Jones with firearms.

PUBLICALLY VIEWABLE INFORMATION ON THE FACEBOOK PAGE ASSOCIATED WITH FACEBOOK ID 100001580465284

32. On February 14, 2017, Affiant observed the publically viewable material associated with Facebook ID 100001580465284. Under the publically viewable "Wall" section there were posted photographs of suspected firearms. Additionally, these photographs were also viewable under the "Photos" section under the album titled, "Mobile Uploads". Affiant knows that this album is typically used to post photographs from a particular cellular phone to linked to a specific Facebook. Each of the photos had March 29, 2015, as the date they were posted to the website. In one photograph, a subject wearing military style fatigues and mask is holding an AR-15 style firearm in one hand and a cellphone in the other. The cellphone was held in a position commonly used to take a "selfie" utilizing a mirror. "Selfie" is a common term used to describe when people take a photograph of one's self while utilizing the camera on a cellular phone. Subsequently, this photograph was posted to the aforementioned "Mobile Uploads" album. In a second photograph, a subject is holding a suspected AR-15 style firearm and a suspected shotgun. In the following photograph there is an object that appears heavily damaged. The object has a large hole with numerous smaller holes near the edges of larger hole. Your Affiant believes from training and experience that this pattern is

consistent with the pattern found after firing a shotgun when utilizing buckshot or birdshot ammunition. These photographs were still publicly viewable as of May 3, 2017.

33. On March 24, 2017, Your Affiant interviewed Jessica Thorson regarding a photograph of her on Sherman's Facebook page from 2009. The photograph is of Thorson holding a shotgun. Thorson confirmed this photograph was of her, and she believed the shotgun to be a real firearm. Thorson believed that this photograph was taken in 2009. Thorson further stated that she knew that Sherman had posted pictures of firearms on Facebook but she was not currently Facebook friends with him.

34. Your Affiant reviewed the forensic reports associated with a LG Cellular Phone, model LS885, MEID DEC 089 170 048 600 529 010, MEID HEX 352 645 060 81272, *S/N* 409CYUK0055070, FCC ID: ZNFLS885 seized from Michael Sherman and searched pursuant to a Federal search warrant signed by the Honorable United States Magistrate Judge Nancy Joseph on April 21, 2017.

35. Your Affiant reviewed a text message conversation that occurred on February 11, 2017 between what appears to be Michael Sherman and a subject saved in his contacts as "Hando". The conversation appears to relate to a suspected illegal drug transaction. The conversation had several terms commonly utilized between drug dealers and drug users. Your Affiant knows from training and experience that the term "zannies"

mentioned below can be a street term used to describe the prescription drug Xanax, which is comprised of alprazolam. Alprazolam is as a Schedule IV substance.

36. Affiant knows that the term "girl" and "hard" mentioned below can be street names for heroin. The following is a summarization of the text conversation:

- "Hando": Who is this
- SHERMAN: Mike. Cody's bro
- "Hando": How u doing bro.. I didn't have your # saved. .. now I Will
- SHERMAN: Im good you
- "Hando": I'm going.. lol.. I was trying to get a hold of your popz .. my guy is good.. when I get some cash ik I owe u.. I get my zannies next week if I just want some of those
- "Hando": Don't tell your bro.. I trying to give u some.. lol
- SHERMAN: Sounds good to me
- "Hando": Cool.. Ah bro can u get and good girl bro.. I have some people looking
- SHERMAN: Hard
- "Hando": Yea
- SHERMAN: Yea
- "Hando": 1 more question.. can u get a sample before ? .. uk how it is ..
- SHERMAN: Probably but i ain't got wheels right now
- "Hando": I do bro.. where'd u have to go ? .. I can come get u
- SHERMAN: It all depends on who and were how much you tryin to Get
- "Hando": I'll text my guy.. idk yet
- SHERMAN: Find out i guess

37. The text message conversation between Sherman and "Hando" continues on February 12, 2017 regarding the above transaction. The following is a summary of the text conversation:

- SHERMAN: Wat happened to you. Last night
- "Hando": Everything fell thru
- SHERMAN: Gotcha

38. On February 13, 2017 Sherman reengaged with "Hando" in a text conversation after their failed drug transaction. Sherman expressed his need to make money to "Hando". Affiant knows from training and experience the term "gank" mentioned below can be street slang for a robbery, home invasion, or other type of theft through violence, typically by use of a firearm. Your Affiant knows that the street term "stash spots" can mean the location where illegal drugs are stored. Affiant also knows that the street term "banger" can be slang for a firearm. The following is a summarization of the conversation:

- SHERMAN: What up
- "Hando": WhAt up
- SHERMAN: Not much chilling at home bored as fuck need to make some cash any ideas
- "Hando": I'dk bro.. u anit got no one to gank lol
- SHERMAN: I know a couple stash spots
- "Hando": Ok where is that ..
- SHERMAN: North and south
- "Hando": South
- "Hando": UK I'm down . I need money too..u have a banger

39. After the above text message conversation, cellular phone forensics revealed Sherman searched for Facebook. After the search, Sherman downloaded the application for Facebook to his cellular phone.

40. Your Affiant also knows from training and experience that participants in crime can communicate via Facebook. Utilizing social media applications, such as Facebook, allow conspirators to communicate on a single application from a variety of devices such as computers, cellular phones, smart watches, and other devices. Furthermore, Affiant knows that the Facebook communications are not typically stored

on a cellular telephones and are not captured during a cellular telephone forensic examination. Therefore, sometimes the only way to obtain content is from Facebook itself.

41. Your Affiant also knows from training and experience that people that participate in firearms trafficking can use social media to facilitate the firearms transactions.

42. Affiant knows from training and experience that drug users and drug dealers will commonly exchange drugs or money for firearms. These transactions may occur because the end user is prohibited and cannot purchase a firearm legally or to deter future law enforcement investigations. Furthermore, drug users may provide firearms to drug dealers because they can receive a higher volume of illegal drugs for the firearm than they would for money they could receive by traditional means of selling the firearm.

IV. FACEBOOK INFORMATION

43. Facebook owns and operates a free-access social networking website of the same name that can be accessed at http://www.facebook.com. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

44. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers,

screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

45. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

46. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

47. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and

other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. In addition, Facebook users can "check in" to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

48. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, the photos and videos associated with a user's account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

49. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that

allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

50. If a Facebook user does not want to interact with another user on Facebook, the first user can "block" the second user from seeing his or her account.

51. Facebook has a "like" feature that allows users to give positive feedback or connect to particular pages. Facebook users can "like" Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become "fans" of particular Facebook pages.

52. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

53. Each Facebook account has an activity log, which is a list of the user's posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as "liking" a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user's Facebook page.

54. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs ("blogs"), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

55. The Facebook Gifts feature allows users to send virtual "gifts" to their friends that appear as icons on the recipient's profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other "pokes," which are free and simply result in a notification to the recipient that he or she has been "poked" by the sender.

56. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

57. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications ("apps") on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.

58. Some Facebook pages are affiliated with groups of users, rather than one individual user. Membership in the group is monitored and regulated by the administrator or head of the group, who can invite new members and reject or accept requests by users to enter. Facebook can identify all users who are currently registered to a particular group and can identify the administrator and/or creator of the group. Facebook uses the term "Group Contact Info" to describe the contact information for the group's creator and/or administrator, as well as a PDF of the current status of the group profile page.

59. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from

the user's profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

60. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

61. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

62. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's "Neoprint," IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to "tag" their location in posts and Facebook "friends" to locate each other. This geographic and timeline information may tend to either inculpate or exculpate the Facebook account owner. Last, Facebook account

activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

63. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

64. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

V. CONCLUSION

65. Based on the forgoing, I request that the Court issue the proposed search warrant.

66. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a),

(b)(1)(A) & (c)(1)(A). Specifically, the Court of the Eastern District of Wisconsin is a district court of the United States that has jurisdiction over the offense(s) being investigated, 18 U.S.C. § 2711(3)(A)(i). Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

ATTACHMENT A

Property to Be Searched:

This warrant applies to information associated with:

This warrant applies to information between March 29, 2015 and present date associated with Facebook User ID: Mike Sherman, Facebook ID: 100001580465284, URL: https://www.facebook.com/mike.sherman.353, that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized:

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

a. All contact and personal identifying information, including: full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.

b. All activity logs for the account and all other documents showing the user's posts and other Facebook activities;

c. All photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them;

d. All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

e. All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;

f. All "check ins" and other location information;

g. All IP logs, including all records of the IP addresses that logged into the account;

h. All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";

i. All information about the Facebook pages that the account is or was a "fan" of;

j. All past and present lists of friends created by the account;

k. All records of Facebook searches performed by the account;

l. All information about the user's access and use of Facebook Marketplace;

m. The types of service utilized by the user;

n. The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);

o. All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;

p. All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 18, United States Code, 922(a)(6) (any person in acquisition of any firearm knowingly furnish a false written or oral statement intended to deceive the dealer) and Title 18, United States Code, Section 922(g)(3) (possession of firearm by a prohibited person, drug user), since March 29, 2015, for each user ID identified on Attachment A, information pertaining to the following matters:

(a) The relevant offense conduct, any preparatory steps taken in furtherance of the scheme, communications between Sherman and others related to the relevant offense conduct;

(b) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;

(c) Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation;

(d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).

(e) The identity of the person(s) who communicated with the user ID about matters relating to relevant offense conduct, including records that help reveal their whereabouts.